

COMMISSIONERS APPROVAL

CHILCOTT *g*

LUND *Bl*

THOMPSON *at*

TAYLOR (Clerk & Recorder)

Date.....October 18, 2006

Members Present.....Commissioner Greg Chilcott, Commissioner Betty Lund and Commissioner Alan Thompson

Minutes: Glenda Wiles

The Board met with County Attorney George Corn in regard to the ruling by Judge Langton for the Ravalli County vs. Dallas Erickson/Obscenity Ordinances issue. Also present was Dallas Erickson. George relayed that Judge Langton found for county on the one ordinance of obscenity, ruling it constitutional. However, he did not find for the county on the ordinance of dissemination, which he ruled unconstitutional. George stated the Commissioners should appeal the ruling for the county on the obscenity ordinance to the Supreme Court making sure it is going to stand the test (making sure the Supreme Court agrees with Judge Langton's ruling on the constitutionality of the ordinance). Dallas stated he could appeal on the ordinance of dissemination, hoping to reverse Judge Langton's opinion.

Dallas stated his group does not plan to seek legal fees from the county as the agreement between him and the county was to enter this issue as a 'friendly law suit' in order to sort these legal issues out. Discussion also included the process at the Supreme Court level. George stated this is a county ordinance and if the Supreme Court finds it constitutional, and there is an appeal, it would then go to the Federal Court level, and at that time the county would become involved.

George asked the Commissioners to authorize him to start the appeal to the Supreme Court. George stated most of the research has been done and Judge Langton did a very thorough job. Commissioner Lund made a motion to instruct the County Attorney's Office to move forward with the appeal of the obscenity ordinance in order to obtain a final decision on the constitutionality of this ordinance. Commissioner Thompson seconded the motion and all voted "aye".

In other business the Board met with Environmental Health Director Theresa Blazicevich in regard to amending the Resolution of Intent to create a Ravalli County Water Quality District (Resolution No. 1944). Also present was Civil Counsel James McCubbin. Theresa relayed she has visited with the incorporated towns and cities, which include

Pinesdale, Hamilton, Darby and Stevensville giving them all of August and September to decide if they want to be included. As of this date no one has advised her they want to be included in this water quality district. Therefore, Resolution No. 1944 needs to be amended to exclude the incorporated cities and towns and lowering the initial estimated cost of the water quality program due to those jurisdictions being excluded. There was some discussion of how the citizens protest the creation of the district by way of the post card notification. Theresa will obtain the cost for a postcard with the return protest form rather than a simple postcard.

Commissioner Lund made a motion to adopt Resolution No. 1985 which amends Resolution No. 1944 with the changes discussed this date amending the Resolution of Intention to Create a Water Quality District in Ravalli County. Commissioner Thompson seconded the motion and all voted "aye".